

**Washington County Land Use Authority Meeting
July 09, 2013**

The Washington County Land Use Authority Meeting was held Tuesday, July 09, 2013 in the Council Chambers of the Washington County Administration Building located at 197 E. Tabernacle, St. George, UT. The meeting was convened by Chairman Doug Wilson at 1:30 p.m. He led the Pledge of Allegiance, after which, he explained meeting protocol.

Commissioners present: Dave Everett, Kim Ford, Mike Stucki, JoAnn Balen, Rick Jones, and Julie Cropper.

Excused: Deborah Christopher.

Staff present: Scott Messel, Planning & Zoning Administrator; Eric Clarke, Deputy Attorney; Kurt Gardner, Building Official; Todd Edwards, County Engineer; and Doreen Bowers-Irons, Planning Secretary.

I. CONDITIONAL USE PERMIT EXTENSION. Request extension on crushing operation: (1) near Veyo, Utah in Section 11, T40S, R17W, SLB&M; and (2) Frei Pit in Section 36, T41S, R17W, SLB&M located south of Ivins; Progressive Contracting Inc., applicant.

Mr. Messel reported the applicant has received conditional use extensions for approximately ten years for two (2) rock crushing operations. The first is located west of Veyo on Gunlock Road. Parcel 8191-NW the second location is the Frei Pit located south of Ivins on the south side of Highway 91. The applicant is not currently using either location but wants to keep the conditional use permit approval.

Recommendation:

Staff has reviewed and recommends that the Planning Commission approve the conditional use extensions for rock crushing operation at the above mentioned locations for Progressive Contracting Inc. based on the finding:

1. Extensions have been granted for approximately 10 years and nothing has changed.

Mr. Messel reported there are some trucks lined up on the property. There is also some junk and garbage that should be removed.

Chairman Wilson asked about a ridge at one of the pits and if it is where the pit was dug. Mr. Messel stated his thought is that it was put in place as a berm to screen the pit from the road. Mr. Gardner explained the surrounding area and the ridge.

Mr. Messel commented there is junk located on the property and staff would recommend it be removed. He did not know if it is the applicant's, the property owner's or another company's. If it is Progressives property, he would recommend that a condition be put on the permit that the junk be removed.

John Wilson representing PCI stated they have not been in the pits for seven (7) plus years. They lease the pits. The junk is not theirs and neither are the trucks. He did not know who it belonged to. They want to keep the Conditional Use Permit in place in the event of future work; they would be ready to start working.

Chairman Wilson asked if there is a lease in place for these pits. Mr. Wilson answered they currently do not have one as the property owner wants to keep options open in the event another company wants to move product.

Chairman Wilson commented they should look closely at approving a conditional use permit for someone else's property; especially, since there is no lease in place. He stated the permit is all on conditions.

Commissioner Balen asked if the property owners should be getting the conditional use permit and then subleasing the pit. Not the lessee's.

Mr. Wilson stated his understanding is the pits have been grandfathered in.

Commissioner Everett stated there have been some issues come up with the pits. The conditional use permits are signed by the owner of the property and the person utilizing the land.

The commission discussed who should apply for and receives the conditional use permit. Commissioner Jones asked Mr. Edwards, the County Engineer, if there have been any problems in having the owners come and sign for the conditional use permit.

Todd Edwards stated his opinion was the property owners should take out the conditional use permit and then if they want to lease out the land for the use they could but the property owner would still be responsible for the permit. He would recommend that the permit be issued for the land and not the lessee. Therefore, the landowner should have the conditional use permit.

Mr. Messel stated Staff has been discussing this issue and they will discuss the conditional use permit and changes they need to review at the end of the meeting.

Staff and the commission discussed the history of the pits, explosives used for blasting in the pits, and clarification on who should be applying and receiving the conditional use permits. The discussion was lengthy and it was suggested to table the item until further clarification could be in place on the permitting approval.

Mr. Wilson explained why the conditional use permit was issued to his company for the pit in the beginning, which was 10 years ago. He asked about requiring SITLA to take out a conditional use permit and not the operator of the pit. That might be an issue as SITLA may not be willing to do that.

A lengthy discussion occurred regarding getting a signature from the property owner on the permit along with the applicant utilizing the land and who should be responsible. This discussion included the conditions and requirements currently in place for conditional use permits and other information.

Motion: Commissioner Ford MOVED to table the conditional use permit extension request for the gravel crushing operation: (1) near Veyo UT in Section 11, T40S, R17W, SLB&M; and (2) Frei Pit in Section 36, T41S, R17W, SLB&M located south of Ivins, for one year; Progressive Contracting Inc., applicant until they can clarify the requirements that should be in place in order for the pits to be operated constructively. Commissioner Everett SECONDED. Chairman Wilson asked for discussion on the motion. A short discussion on the issue of tabling the item took place which could hold up the contractor. It could be a burden and give him a disadvantage over other contractors if work should come available to them. After the discussion Chairman Wilson called for a motion. The motion failed with two voting in favor and four against.

Motion: Commissioner Stucki MOVED to approve the conditional use permit extension request for the gravel crushing operation: (1) near Veyo UT in Section 11, T40S, R17W, SLB&M; and (2) Frei Pit in Section 36, T41S, R17W, SLB&M located south of Ivins, for one year; Progressive Contracting Inc., applicant, based on the current zoning and the following finding:

1. Extensions have been granted for approximately 10 years and nothing has changed.

Conditions:

1. The applicant shall obtain a lease from the property owner to access the property before work begins.

Commissioner Balen SECONDED. Chairman Wilson called for discussion on the motion. There being none Chairman Wilson called for a vote. The motion carried with all six (6) Commissioners voting in favor.

II. AMENDED PLAT. Review request to amend Pine Valley Meadow View Subdivision, an eight (8) lot subdivision on 3.247 acres; Tim and Joyce Cory, applicants.

Mr. Messel stated this item was reviewed by the Planning Commission in the June 11, 2013 meeting. In that meeting, a public hearing was held and the Planning Commission acted as the recommending body to the County Commission. An updated to the Washington County Code states that the Planning Commission is the Land Use Authority for plat amendments.

The Cory's, owners of Parcel #PVMV-1-2 (Lot 1-2) and PVMV-3 (Lot 3) have submitted application to amend the plat for Pine Valley Meadow View Subdivision. The subdivision plat was recorded in 1977 with nine (9) lots. There was a 30' wide access easement between lots 2 and 3. The easement provides access to Parcel #6102-A-1-B. The plat was amended in the 1980's Lot 1 and Lot 2 was combined into one lot called Lot 1-2. The access easement was relocated to the south property line of Lot 1-2 and reduced to 25' wide. The Cory's have submitted an amended plat that relocates the 25' wide access easement to the south side of Lot 3. The owner of Parcel #6102-A-1-B, is aware of the proposed change and has consented to access property via the relocated easement.

Recommendation:

Staff has reviewed and recommends that the Planning Commission approve the proposed amended plat based on the following findings:

1. The proposed amended plat is consistent with the General Plan.
2. Other than relocating the 25' access easement the subdivision is consistent with the already approved plat.
3. The plat meets the requirements of the RE-20 (Residential Estates 20,000 square feet) zone.
4. The plat meets the applicable Washington County Codes.
5. The owner of Parcel #6102-A-1-B, is aware of the proposed change and has consented to access property via relocated easement.

Commissioner Stucki commented they had seen this at a recent meeting. Mr. Messel stated he was correct they are just changing the motion to approve instead of recommending approval.

Motion: Commissioner Stucki **MOVED** to approve the proposed amendment to Pine Valley Meadow View Subdivision, an eight (8) lot subdivision on 3.247 acres; Tim and Joyce Cory, applicants based on the following findings:

1. The proposed amended plat is consistent with the General Plan.
2. Other than relocating the 25' access easement the subdivision is consistent with the already approved plat.
3. The plat meets the requirements of the RE-20 (Residential Estates 20,000 square feet) zone.
4. The plat meets the applicable Washington County Codes.
5. The owner of Parcel #6102-A-1-B, is aware of the proposed change and has consented to access property via relocated easement.

Commissioner Cropper **SECONDED**. Chairman Wilson called for discussion on the motion. There being none Chairman Wilson called for a vote. The motion carried with all six (6) Commissioners voting in favor.

III. STAFF DECISIONS. Review of decisions from the Land Use Authority Staff Meeting held on July 09, 2013; County initiated.

Mr. Messel stated the meeting for July 2, 2013 was rescheduled for July 16, 2013; therefore, there are no items to report on.

IV. MINUTES. Consider approval of the minutes of the regular planning commission meetings held on June 11, 2013.

The commission discussed corrections to the June 11, 2013 minutes that needed to be made.

Motion: Commissioner Stucki MOVED to approve the Minutes of June 11, 2013 with one correction. Commissioner Cropper SECONDED. Chairman Wilson called for discussion on the motion. There being none Chairman Wilson called for a vote. The motion carried with all six (6) Commissioners voting in favor.

V. COUNTY COMMISSION ACTION REVIEW. Review of action taken by the County Commission on planning items; County initiated.

There were no planning items on the Commission agenda.

VI. COMMISSION & STAFF REPORTS. General reporting on various topics; County initiated.

Mr. Messel handed out copies of the proposed changes to the county code that included a draft of the campground ordinance and zoning ordinance that included the conditional use permit modifications.

The Commission and Staff discussed the items listed below in great detail:

- Review of draft campground ordinance.
- Zoning ordinance clarification and update.

The discussion included implementing time limits for Conditional Use Permits and enforcement on camping and nuisance camping.

The items will be brought back to the commission in a future meeting for approval and recommendation for the County Commission to approve.

Commissioner Stucki moved to adjourn the meeting at 3:05 p.m.

Doreen Bowers-Irons, Planning Secretary

Approved: 13 August 2013